

NO. 70835

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JAN 21 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed APR 14 1938 under 5201

The applicant **James R. Boyce** hereby makes application for permission to change the
Manner & Place of Use of water heretofore appropriated under **Permit 5201, Certificate 2376**

1. The source of water is **Perry Aiken (aka Spanish) Creek**
2. The amount of water to be changed **0.9339 cfs not to exceed 453 acre-feet annually**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **NW¼ SW¼, Section 15, T.3S., R.35E., M.D.B.&M, or at a point from which the W¼ Corner of said Section 15, bears N. 71° 30' W., a distance of 640 feet. See map under Permit 5201**
6. The existing permitted point of diversion is located within **Unchanged**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **19.6 ac., SE¼ NW¼, 40 ac., SW¼ NE¼, 33.79 ac., SE¼ NE¼, all in Section 15, T.3S., R.35E., M.D.B.&M. Refer to map under Permit 5201.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **March 15 to November 1** of each year.
11. Description of proposed works **Diversion structure on Perry Aiken Creek, thence to a storage pond and by pipeline, booster pump and ditches to the proposed place of use.**
12. Estimated cost of works **\$75,000.00**
13. Estimated time required to construct works **Three (3) years**
14. Estimated time required to complete the application of water to beneficial use **Five (5) years**
15. Remarks: **Applications to Change Proof 01344 and Permits 5201, 13973, 25313, 25314, 25315, 25316, 27992 and 31284. are being filed to co-mingle the duties within a common place of use. The duty of these applications will not exceed 5 acre-feet per acre from any and all sources. These applications are being filed in compliance with the State Engineer's ruling associated with the reinstatement of Permits 44540, et.al.**

By **Gregory M. Bilyeu**
s/ **Gregory M. Bilyeu**
500 Damonte Ranch Parkway, #1056
Reno, NV 89521

Compared gkl/cmf lb/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of the waters of Perry Aiken (AKA Spanish) Creek as heretofore granted under Permit 5201, Certificate 2376 is issued subject to the terms and conditions imposed in said Permit 5201, Certificate 2376 and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total acres irrigated on the center portion of the ranch by Permits 70834 through 70842, shall be limited to 1,462.47 acres from surface sources, plus 341.9 acres from non-supplemental underground sources, for a total of 1,804.37 acres irrigated from all sources within the common described place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.9339 cubic feet per second, but not to exceed 453 acre-feet annually, and not to exceed a annual duty of 5.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

January 12, 2007

Proof of completion of work shall be filed on or before:

February 12, 2007

Water must be placed to beneficial use on or before:

January 12, 2011

Proof of the application of water to beneficial use shall be filed on or before:

February 12, 2011

Map in support of proof of beneficial use shall be filed on or before:

February 12, 2011

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 27th day of January A.D. 2006


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Attachment "A"

7. Proposed Place of Use:

T.3., R.35E., M.D.B. & M.

Section 9: ~~SW 1/4 SE 1/4~~, E 1/2 SE 1/4

Section 10: All

Section 11: W 1/2 W 1/2, E 1/2 SW 1/4

Section 14: NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, N 1/2 SW 1/4

Section 15: N 1/2 NW 1/4, SE 1/4 NW 1/4, SW 1/4 NW 1/4 (east of State Route 264),
NE 1/4, N 1/2 SE 1/4, portion of NE 1/4 SW 1/4 (east of State Route 264),
portion of NW 1/4 SW 1/4 (east of State Route 264)

Section 16: ~~N 1/2 NE 1/4~~, portion of the SE 1/4 NE 1/4 (east of State Route 264)
NE 1/4

See TEC It.
of 6-17-04
RD

The total irrigated acreage within the above listed property is 1875.83 acres.